

STATEMENT OF FACTS

On January 6, 2021, your affiant, Federal Bureau of Investigation (FBI) Special Agent Christopher R. Potts, was on duty and performing my official duties as an FBI Special Agent. Specifically, I am assigned to the Joint Terrorism Task Force based at the Nashville Resident Agency of the FBI's Memphis Field Office. As a result of the attack on the United States Capitol on January 6, 2021, I was subsequently tasked with investigating criminal activity in and around the United States Capitol grounds. As an FBI Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Facts Specific to Jerry Waynick and Mark Waynick

As part of the FBI investigation into the attack on the United States Capitol, the FBI located video and still images of multiple individuals that were associated with attacks on federal officers. The individuals in these images were designated as Assault on Federal Officer, or AFO, cases. Each individual AFO subject was identified by a specific number and at least one image.

Your affiant was assigned the investigation of a subject identified by the FBI as “AFO 157.” The FBI posted numerous photographs of AFO 157 on its website to seek information about the individual’s identity. A few of the photographs are included below. (*See Figures 1 and 2*). As further discussed below, AFO 157 has subsequently been identified as **JERRY MCKANE WAYNICK** of Charlotte, Tennessee. *See Figure 1.* **JERRY MCKANE WAYNICK** is observed in multiple photographs with another white male. This individual has been identified as his father, **MARK WAYNICK**. *See Figure 2.*



*Figure 1
Photograph of AFO-157*



*Figure 2
Photograph of AFO-157*

I have reviewed video footage from various sources of events that took place on January 6, 2021, which document **JERRY MCKANE WAYNICK**'s actions that day. Your Affiant reviewed numerous photographs of **MARK WAYNICK** and **JERRY MCKANE WAYNICK** from January 6, 2021 inside and outside of the U.S. Capitol. In the photographs, **JERRY MCKANE WAYNICK** is attired in brown boots, dark jeans, a red flannel shirt, tan tactical gloves with black knuckle protectors, a black tactical vest, and a black tactical helmet.

MARK WAYNICK is attired in dark boots, blue jeans, black shirt, black tactical gloves with black knuckle protectors, a red/white/blue bandana around his neck, a black tactical vest, and a black tactical helmet. (*See Figures 2, 3, and 4*).

Photographs of Jerry McKane Waynick and Mark Waynick



Figure 3

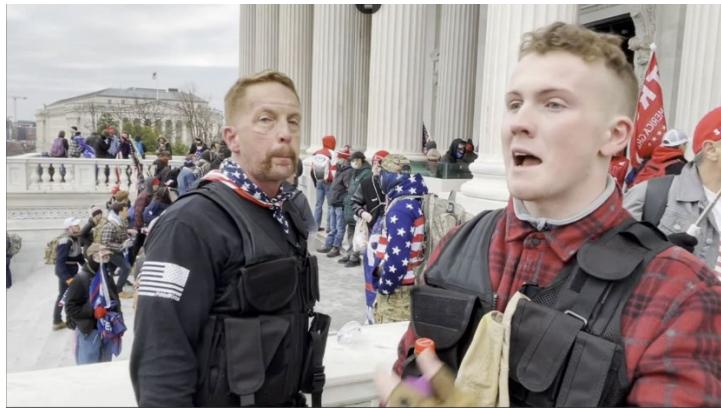


Figure 4

I reviewed video footage from the interior and exterior of the U.S. Capitol to locate the Waynicks. Initially, I observed **JERRY MCKANE WAYNICK** and **MARK WAYNICK** in the restricted exterior area of the U.S. Capitol, specifically in the West Front area of the U.S. Capitol. Law enforcement officers had created a row of barricades on the West Front of the U.S. Capitol to keep rioters from entering the Capitol.

JERRY MCKANE WAYNICK and **MARK WAYNICK** joined other rioters in an effort to break the officers' perimeter line on the West Front. Video captured by U.S. Capitol CCTV and Body-Worn Camera (BWC) of Washington Metropolitan Police Department (MPD) Officer A.S. at approximately 1:36 p.m., shows **JERRY MCKANE WAYNICK** and **MARK WAYNICK** rushing toward the line and pushing against and reaching toward the officers lined up

at the barricade. Images captured of the event were subsequently posted on the internet and are shown below as *Figures 5* and *6*.



Figure 5



Figure 6

BWC footage from Officer A.S. captured **JERRY MCKANE WAYNICK** attempting to grab A.S.'s baton during the assault on the line of officers. This event is captured in the photos below. *See Figures 7 - 9.*



Figure 7



Figure 8



Figure 9

Shortly after, at approximately 1:40 pm, video footage from the BWC of MPD Officer T.T. depicts **JERRY MCKANE WAYNICK** assaulting law enforcement officers. Specifically, the video captures **JERRY MCKANE WAYNICK** picking up a large, red/orange-colored barrier/cone and throwing it at police officers who were holding the riot line. **JERRY MCKANE WAYNICK**'s assault on law enforcement officers is further captured as seen in the photos below. *See Figures 10-13.*



Figure 10



Figure 11



Figures 12 and 13

MPD Officer M.V. swatted the cone away with his/her hand before the cone landed on the ground.

Entry into the U.S. Capitol Building

By approximately 2:00 p.m., **JERRY MCKANE WAYNICK** and **MARK WAYNICK** moved from the West Front area to the Upper West Terrace, where they joined other rioters in breaching and entering the U.S. Capitol. At approximately 2:20 pm, **JERRY MCKANE WAYNICK** and **MARK WAYNICK** entered the U.S. Capitol Building via the Senate Wing Doors. This event was likewise captured by CCTV video cameras. See Figures 14 and 15.



Figure 14 (Photograph of Jerry McKane Waynick)

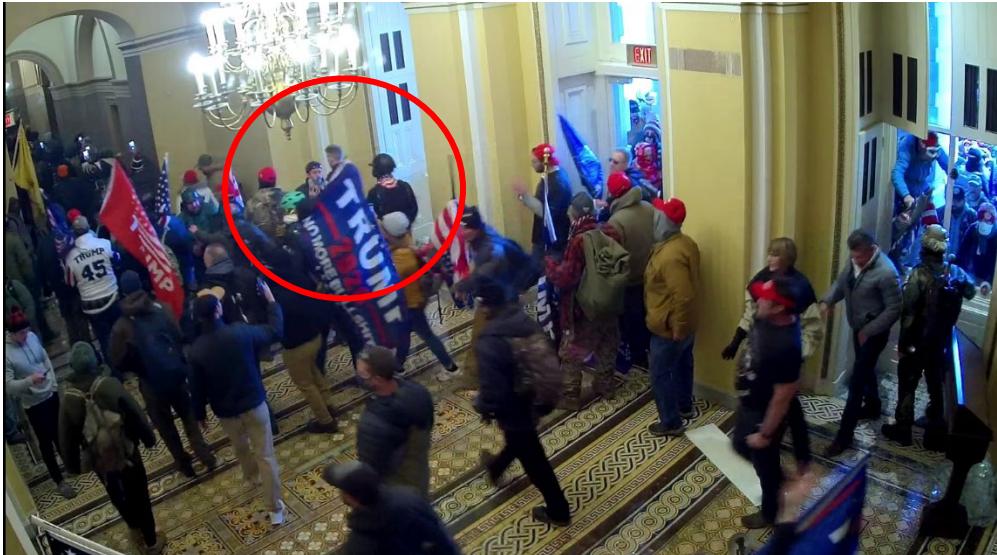


Figure 15 (Photograph of Mark Waynick)

JERRY MCKANE WAYNICK and **MARK WAYNICK** were in the U.S. Capitol Building for approximately 25-30 minutes, during which time they are captured on CCTV footage walking through various parts of the building. These areas include the Senate Wing, the Rotunda, Statuary Hall, and the House Wing.

Both **JERRY MCKANE WAYNICK** and **MARK WAYNICK** are also captured on MPD BWC footage while inside the U.S. Capitol Building, as seen in the below photographs taken from the BWC of Officer B.I. Both **JERRY MCKANE WAYNICK** and **MARK WAYNICK** can be seen wearing the same clothing as described above. Specifically, **JERRY MCKANE WAYNICK** is attired in brown boots, dark jeans, a red flannel shirt, tan tactical gloves with black knuckle protectors, a black tactical vest, and a black tactical helmet. **MARK WAYNICK** is attired

in dark boots, blue jeans, black shirt, black tactical gloves with black knuckle protectors, a red/white/blue bandana around his neck, a black tactical vest, and a black tactical helmet.



Figure 16 (Photograph of Jerry McKane Waynick and Mark Waynick)

A review of CCTV footage reveals that **JERRY MCKANE WAYNICK** and **MARK WAYNICK** exited the U.S. Capitol Building at approximately 2:55 pm.

Shortly before exiting, both individuals passed by a group of MPD officers who were standing near the exit doors, to include Officer B.R. The BWC of Officer B.R. captured footage of **JERRY MCKANE WAYNICK** and **MARK WAYNICK** as they walked by, as seen in *Figures 17 and 18* below.



Figure 17 (Photograph of Jerry McKane Waynick and Mark Waynick)

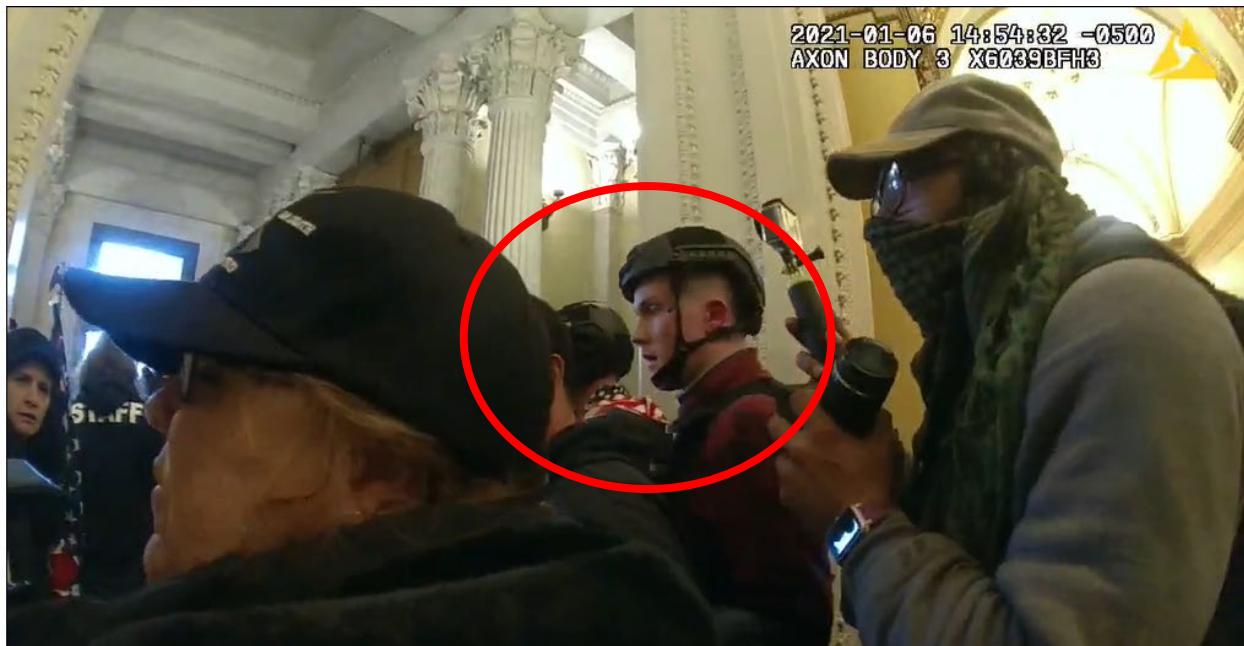


Figure 18 (Photograph of Jerry McKane Waynick and Mark Waynick)

Identification

The FBI identified an Instagram account with the Instagram handle ‘studd_ed6.4’ and username ‘McKane Waynick’ who resided in Nashville. A photo of the user of Instagram account ‘studd_ed6.4’ was found during a review of the account. *See Figure 19.*

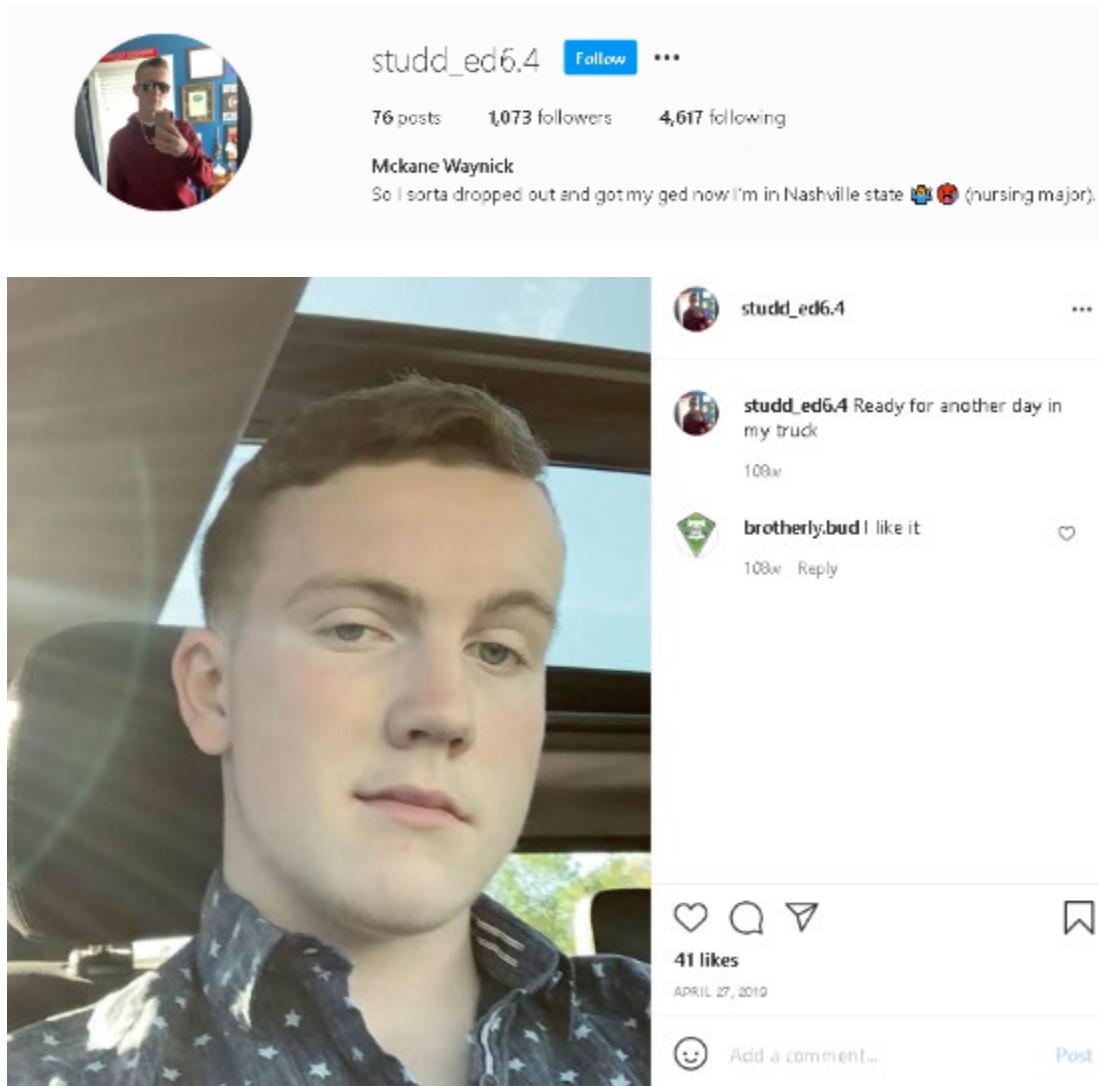


Figure 19

A subsequent search of the Tennessee Department of Motor Vehicle (DMV) database revealed a driver’s license record belonging to an individual named ‘Jerry Thomas McKane Waynick’ with residential address 665 Scott Hollow Road, Charlotte, Tennessee. **JERRY MCKANE WAYNICK** was listed as 5’9” in height, 152lbs, and as having brown hair and blue eyes. I reviewed the 2021 driver’s license photo associated with this record.

Additionally, database checks revealed a 2018 passport belonging to ‘Jerry Thomas McKane Waynick’ with the following photo (*Figure 20*) associated with it.



Figure 20

Based upon your Affiant’s review of aforementioned DMV photo, passport photo, Instagram photos, and the photos associated with AFO 157, your Affiant believes that the photos contain images of the same person, **JERRY MCKANE WAYNICK**.

JERRY MCKANE WAYNICK’s Instagram account indicates that he attended Nashville State Community College (NSCC). A review of school contact records indicated a **JERRY MCKANE WAYNICK** had previously attended NSCC. These records also showed this individual provided residential address, 665 Scott Hollow Road, Charlotte, Tennessee, as well as telephone number xxx-xxx-4278, as his contact information for the college.

Searches of law enforcement and open-source database records for telephone number xxx-xxx-4278 revealed a Verizon Wireless cellular telephone account associated with Beth Waynick. According to Tennessee DMV records, Beth Waynick, date of birth xx/xx/1965, resides at 665 Scott Hollow Road, Charlotte, Tennessee.

According to records obtained via the execution of a search warrant to Verizon Wireless, on January 6, 2021, in and around the time of the incident, the cellular telephone using number xxx-xxx-4278 (Apple iPhone 11 Pro Max) was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol Building. Based on this, the FBI concluded that **JERRY MCKANE WAYNICK** carried the aforementioned cellular device into the U.S. Capitol Building on January 6, 2021.

Additionally, the FBI conducted checks of law enforcement and open-source databases related to the property located at 665 Scott Hollow Road, Charlotte, Tennessee. According to the Dickson County (Tennessee) Property Assessor’s website, the property corresponding to this address is owned by ‘Mark D and Mary Beth Waynick’.

Law enforcement conducted social media checks for accounts associated with Beth Waynick. The results yielded an account bearing Instagram handle ‘bethloveway’. The account homepage (*Figure 21*) depicts a photo and the words, “McKane’s Mom”. Beth Waynick has been identified as **JERRY MCKANE WAYNICK**’s mother.

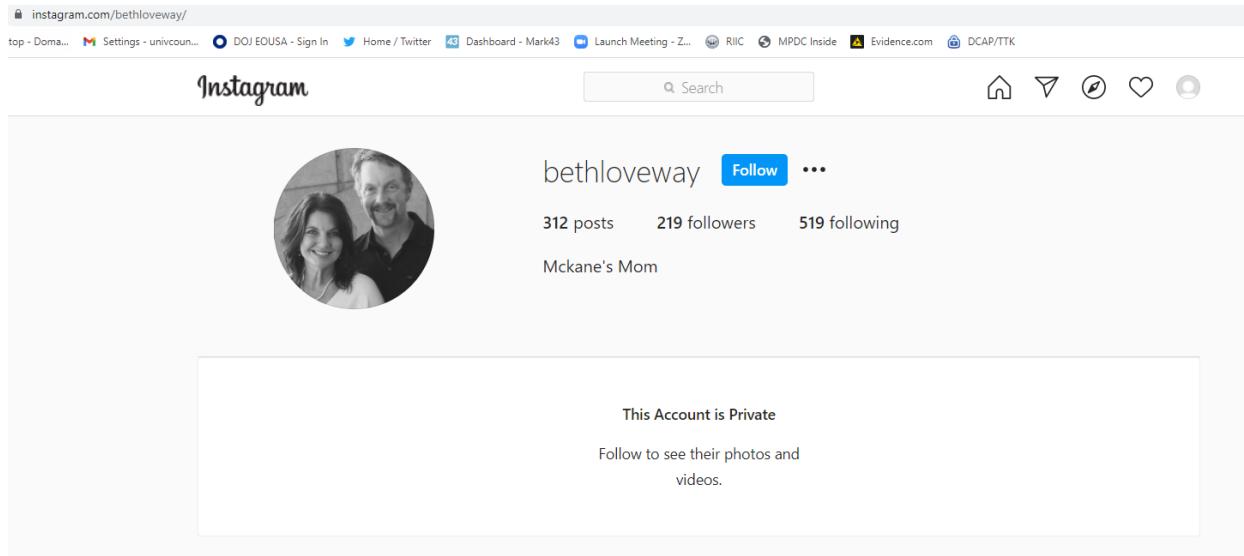


Figure 21

Your Affiant conducted a search of the Tennessee DMV database for records related to ‘Mark D Waynick’. The results revealed a driver’s license record belonging to an individual named ‘Mark Dewayne Waynick’, date of birth xx/xx/1970, with residential address 665 Scott Hollow Road, Charlotte, Tennessee. Mark Dewayne Waynick was listed as 6’0” in height, 220lbs, and as having red/auburn hair and blue eyes. I have reviewed the DMV photo for Mark Dewayne Waynick.

Based upon your Affiant’s review of the aforementioned DMV photo for Mark Dewayne Waynick, the Instagram homepage profile photo for the account known to be associated with Beth Waynick, and the photos and video footage of **JERRY MCKANE WAYNICK** from January 6, 2021, your Affiant concluded that physical similarities in the media content bare a clear resemblance to **MARK WAYNICK**. The individual associated with **JERRY MCKANE WAYNICK** on January 6, 2021, was subsequently identified as **MARK WAYNICK**.

The FBI conducted additional searches of law enforcement and open-source databases for information pertaining to **MARK WAYNICK**. The results confirmed **MARK WAYNICK**’s residential address of 665 Scott Hollow Road, Charlotte, Tennessee. The results also produced, among others, a cellular telephone associated with **MARK WAYNICK**. This cellular telephone number was xxx-xxx-3966.

Searches of law enforcement and open-source database records for telephone number xxx-xxx-3966 revealed a Verizon Wireless cellular telephone account.

According to records obtained via the execution of a search warrant to Verizon Wireless on January 6, 2021, in and around the time of the incident, the cellular telephone using number xxx-xxx-3966 (Apple iPhone 11 Pro Max) was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the U.S. Capitol Building. Based on this, the FBI concluded that **MARK WAYNICK** carried the aforementioned cellular device into the U.S. Capitol Building on January 6, 2021.

The FBI conducted surveillance of **JERRY MCKANE WAYNICK** at his residential address in the Charlotte, Tennessee, area on August 4, 2021. During the surveillance, the FBI captured, amongst other images, the below photograph (*See Figure 22*) of **JERRY MCKANE WAYNICK**, which also bears a resemblance to AFO 157. It is noted that **JERRY MCKANE WAYNICK** was observed by the FBI wearing a T-shirt which read, ‘Waynick Plumbing’, on the front of the shirt.



Figure 22

The FBI conducted surveillance again on August 20, 2021, this time of **MARK WAYNICK**, at his residential address in Charlotte, Tennessee. During the surveillance, the FBI observed an individual matching the description of **MARK WAYNICK** depart the residence in a white, Chevrolet 3500 pickup truck bearing Tennessee license plate number 30189H1. Upon reaching his destination, the individual exited the vehicle and the FBI positively identified **MARK WAYNICK** as the driver of the vehicle. *See Figure 23.*



Figure 23

The FBI also conducted a check of the Tennessee DMV database for the vehicle registration corresponding to this license plate. The results indicated the vehicle had an active registration belonging to 'Mark D Waynick dba Waynick Plumbing'.

On August 25, 2021, the FBI conducted an interview with a deputy of the Dickson County Sheriff's Office. The deputy indicated that he/she previously had multiple interactions with both **JERRY MCKANE WAYNICK** and **MARK WAYNICK**. The deputy positively identified **JERRY MCKANE WAYNICK** and **MARK WAYNICK** as the individuals in the photographs in *Figures 3 and 4*) above.

Additionally, the deputy commented that he/she was aware that **JERRY MCKANE WAYNICK** had at one time worked for **MARK WAYNICK** at his plumbing business and that **JERRY MCKANE WAYNICK** owns, or used to own, a large, black pickup truck with oversize tires/wheels.

CONCLUSION

Based on the foregoing, your affiant submits that there is probable cause to believe that **JERRY MCKANE WAYNICK** and **MARK WAYNICK** violated 18 U.S.C. § 1752(a)(1), (2) and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

There is also probable cause to believe that **JERRY MCKANE WAYNICK** and **MARK WAYNICK** violated 40 U.S.C. § 5104(e)(2)(D) and (F), which makes it a crime for an individual or group of individuals to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (F) willfully and knowingly engage in an act of physical violence in the grounds of the U.S. Capitol Building.

There is also probable cause to believe that **JERRY MCKANE WAYNICK** and **MARK WAYNICK** violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or

performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Finally, there is probable cause to believe that **JERRY MCKANE WAYNICK** and **MARK WAYNICK** violated 18 U.S.C. 111(a)(1), which makes it a crime for anyone to forcibly assault, resist, oppose, impede, intimidate, or interfere with a person designated in 18 U.S.C. § 1114, which includes certain federal officers or employees or those assisting them, where such acts involve physical contact with the victim of that assault, while the officer or employee is engaged in or on account of the performance of official duties.



SPECIAL AGENT CHRISTOPHER POTTS
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 14th day of February, 2022.

U.S. MAGISTRATE JUDGE